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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,030	03/13/2001	Yasuyuki Shintani	OGOH:069	8138

7590 06/01/2004  
Parkhurst & Wendel  
Suite 210  
1421 Prince Street  
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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT	PAPER NUMBER
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2635

9

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/787,030

Applicant(s)

SHINTANI ET AL.

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Examiner's Response***

1. In response to applicant's amendment filed 3-8-04, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

***Claim Rejections - 35 USC § 102 & 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 13-14, 22-23, 25-27, 31-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Welmer (US 5499018). Welmer discloses an appliance communication system with condition information, setting information and/or data such as character set, format, status, transmit status once, transit status each change and address. Any of these may be alternatively called condition information, setting information or data. An initiating device requests character set and format from another device and further request a status response that may be in a one time mode or with each change. The initiating device sends its address to be stored monitored device to form a link. See col. 6-7. Regarding the amended limitation of

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controlling a linked operation, col. 8 lines 50-54 discloses issuing a PLAY command without further user intervention to the VCR in response to a status message indicating the tape is fully rewound. This is efficient since it operates without further user intervention. Note that the amended claims only state linked operation "thereof." This does not specify whether the first appliance or second appliance is operated by the linked command. Therefore controlling the VCR in response to status from the VCR in Welmer is sufficient.

4. Claims 14-21, 24, 28-29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welmer (US 5499018) as applied above in view of Beyers (US 4808992). Beyers discloses an analogous art component audio/video system where status from one device may cause control of a linked operation in other devices. For example, a stop message status from any recording component will trigger a power off command to each single recording component and each associated recording signal source supplying recording signals to the single recording component in col. 3 lines 19-30. This provides the advantage of automatic control without inadvertently interrupting a recording in col. 5 lines 35-47.

If controlling a linked operation "thereof" requires control of a second appliance, then it would have been obvious

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to one of ordinary skill in the art at the time the invention was made to have included control of a second appliance in response to status of a first appliance as disclosed in Beyers to provide automatic (efficient) control with advantages such as avoiding inadvertently interrupting a recording. Automatic control provides efficient operation, as best understood, since user intervention is not required.

5. Claims 14-21, 24, 28-29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welmer (US 5499018) alone or in view of Beyers (US 4808992) as applied above in view of Burgmann (US 4801924). Welmer does not specify periodic information. Regarding claims 14-21, 24 and 28-29, Burgmann discloses a programmable status transmitter with memory programmed to transmit status at change and/or at a programmed interval in col. 4. Appliance operation is included as a status in claim 1 of Burgmann. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Welmer the time period of claims 14-21 and 28-29 because this is disclosed in analogous art by Burgmann to allow customized, programmable monitoring of status. Regarding claim 32, if transmitting a setting demand if the receiving appliance response does not include information about transmit conditions or conditions are not set, the such would have been

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obvious because it at least suggested by col. 8 lines 11-12 of Welmer including setting if there is room to store information and it common in the programming art to verify if information is already programmed before overwriting.

***Response to Arguments***

6. Applicant's arguments filed 3-8-04 have been fully considered but they are not persuasive. The argument that Welmer lacks a linked operation is not persuasive in view of PLAY operation linked to the tape fully rewound status in col. 8 lines 50-54 of Welmer. Applicant argues that linked operation as direct to control of a second appliance in response to status of a first appliance, but the limitation of "operation thereof" in the claims do not limit control to the second applicant. Further, if the claim is interpreted as controlling a second appliance, the such would have been obvious in view of Beyers for advantages such as automatic operation and avoiding inadvertent interruption of recording. The new rejection relying on Beyers is necessitated by applicant's response.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

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reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### **CONTACT INFORMATION**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at [ebc@uspto.gov](mailto:ebc@uspto.gov). The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.


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Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (703) 305-4700 or TC 2600 Customer Service at (703) 306-0377.

Facsimile submissions may be sent via fax number (703) 872-9306 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH  
5/26/04

  
EDWIN C. HOLLOWAY, III  
PRIMARY EXAMINER  
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